

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No.

04-30149-MAP

DANIEL BOURQUE)
Plaintiff)
)
v.)
)
THOMAS A. MOERLER)
Defendant)

COMPLAINTPLAINTIFF DEMANDS TRIAL BY JURYParties

1. The Plaintiff, Daniel Bourque, was, at all times in question, a resident of the Commonwealth of Massachusetts, residing at 91 Clearbrook Drive, Springfield, Hampden County, Massachusetts (hereinafter referred to as Plaintiff).
2. The Defendant, Thomas Moerler, is a natural person residing at 141 Spiral Road, Holtsville, New York 11742 (hereinafter referred to as Defendant).

Facts

3. The Plaintiff realleges the allegations contained in paragraphs one through two of this complaint.
4. The Plaintiff was a passenger in a motor vehicle that was being driven to visit a museum.
5. The Plaintiffs was traveling on route 95 in Oxen Hill, Maryland.
6. The Plaintiffs auto came to a stop behind a number of other vehicles that were in line on the highway.
7. The Defendant Mr. Moerlers vehicle did not stop and struck the rear end of the plaintiffs vehicle injuring the plaintiff.

COUNT I
NEGLIGENCE

8. The Plaintiff realleges the allegations contained in paragraphs one through seven of this complaint.
9. The Plaintiff aver that the Defendant failed to operate his motor vehicle with due care in that he failed to yield to Plaintiff's right of way. Further, that the Defendant, by reason of his conduct was negligent in the operation of his motor vehicle and by reason of the Defendant's conduct, the Plaintiff sustained personal injuries to his back and neck.

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10. As a direct and proximate result of the Defendant's conduct, the Plaintiff has suffered great pain of body and mind including a disk herniation.

REQUEST FOR RELIEF

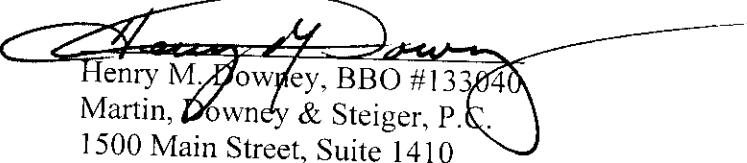
WHEREFORE, the Plaintiff, Daniel Bourque, respectfully prays as follows:

1. That this Court enter judgment in favor of the Plaintiff and against the Defendant and award damages for medical expenses, physical pain and mental anguish.
2. For such other and further relief to which the Plaintiff may be justly and properly entitled.

THE PLAINTIFF RESERVES HER RIGHT FOR TRIAL BY JURY IN THE DISTRICT COURT PURSUANT TO CHAPTER 231, S. 103.

Date: July 19, 2001

THE PLAINTIFF,
Daniel Bourque
by his attorney,


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